



City of Palo Alto

City Council Staff Report

(ID # 8375)

Report Type: Study Session

Meeting Date: 10/2/2017

Summary Title: 470 Olive Avenue: Prescreening for Rezoning

Title: 470 Olive Avenue [17PLN-00215]: Request for a Prescreening to Re-zone a Portion of the Subject Property From R1 Single Family Residential to CS Service Commercial. Environmental Assessment: Prescreening is not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review.

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff recommends the City Council conduct a preliminary review (“prescreening”) and provide comments regarding the applicant’s proposal to rezone the subject parcel from R1 to CS. No formal Council action may be taken during a preliminary review, and comments provided during a prescreening are not binding on the City or the applicant.

Background

The property owner filed the subject prescreening application on June 16, 2017 in accordance with municipal regulations to change the current residentially zoned parcel (and comprehensive plan land use designation) to its previous commercial zoning. A redevelopment project is not proposed in conjunction with the rezoning request. Instead, the owner has indicated that they filed the prescreening application after learning that the use of the site is nonconforming and subject to an amortization schedule per Section 18.70.070 of the Palo Alto Municipal Code (PAMC).

The site contains a one-story commercial building located on two adjoining parcels: 2951 El Camino Real and 470 Olive Avenue (Attachment A). The two parcels have separate zoning districts and comprehensive plan land use designations. The property located at 2951 El Camino Real is zoned and designated Service Commercial (CS), while 470 Olive Avenue is zoned R-1 and designated Single Family Residential (SF). The portion of the property located at 470 Olive

Avenue abuts single-family residences to the north and east, which are in the same R-1 zoning district. The adjacent parcel to the south at the corner of El Camino Real and Olive Avenue is under separate ownership, and is not a part of the subject site.

In preparing this report, staff learned that the existing building was constructed in 1968, and at that time the entire site was located in the CS zone and occupied by an extensive retail use (organ and piano sales). On July 20, 1978, the Council rezoned the 470 Olive Avenue portion of the site to R-1 as a part of a larger action to achieve consistency between zoning map and the Comprehensive Plan Land Use Designation Map for several parcels in the area. This action rendered the commercial use of the 470 Olive Avenue parcel legally nonconforming and subject to amortization with a termination date of September 11, 1998 (PAMC 17.70.070).

On October 5, 1987, the City Council approved an exception to the nonconforming use termination provision for the site, subject to conditions requiring improvements to the onsite parking lot and landscaping. The improvements were not made within the required timeframe, and on March 28, 1988 the City received a letter from the owner indicating that they had elected not to pursue the exception. Therefore, the nonconforming use termination deadline of September 11, 1998 remained in effect on the site. There is no further opportunity in the zoning code to seek or grant another exception.

A further review of the property reveals no action or records on behalf of the city to abate the nonconforming use following the September 11, 1998 deadline. Currently it appears there is an office tenant occupying the building. The last authorized use prior to 1998 was for an extensive retail use however staff does not believe the retail preservation requirements of Municipal Code Section 18.40.180 apply in this instance. The owner has indicated that they became aware of the termination requirements after discussing the required permitting for the office use with Planning staff.

City records do not show any history of code enforcement cases or actions on the site.

Discussion

The purpose of the prescreening is for the applicant to assess whether there is sufficient Council interest to proceed with a formal application. The applicant's reason for seeking the zoning amendment is provided in Attachment B, which also includes more background information on the city's prior actions.

Based on staff's review of the administrative record, it appears there are three principal options to consider:

1. Encourage the applicant to apply for amendments to the city's zoning map and

- comprehensive plan land use designation map to rezone the property from R1 to CS.
2. Suggest an alternative zoning code amendment be pursued to allow for an additional opportunity to seek an exception to the amortization provision in the code.
 3. Indicate interest in preserving the R1 zoning designation.

Regardless of the above options, or other options identified by the Council, code enforcement action is needed. For Option 1, the enforcement effort could allow time for the property owner to file and diligently pursue an application for a zone change. This option could allow for the continued commercial use of the property and would also permit future redevelopment of the site in manner consistent with the CS zoning district. Option 2 would seek to allow for the continuation of the previously permitted nonconforming, extensive retail use, and forestall or eliminate the amortization schedule for this property. This option would essentially limit commercial activity (extensive retail) to the existing building and preclude any intensification of use or floor area expansion. Option 3 would result in a code enforcement action to abate all commercial activity at the site; only permitted R1 uses would be authorized on the subject property.

Following the prescreening review, the applicant will consider how they want to proceed and file appropriate application(s). City staff will initiate a code enforcement case, with a compliance schedule that is informed by the applicant's request and Councilmember comments at the prescreening study session.

Environmental Review

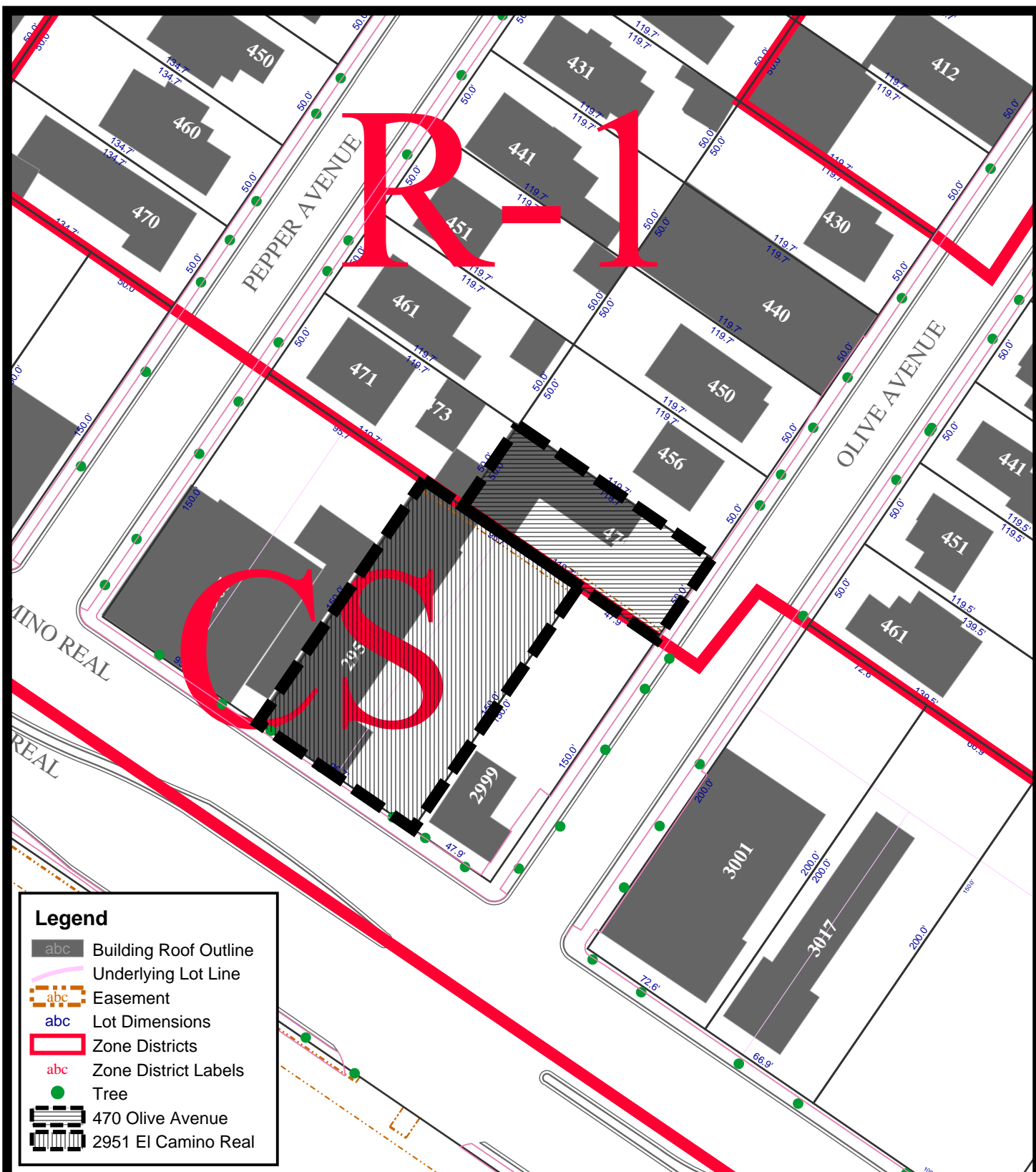
This prescreening is a preliminary review process in which Councilmembers may provide comment, but no formal action will be taken. Therefore, no review under the California Environmental Quality Act (CEQA) is required at this time. A formal review under CEQA would be initiated with the formal filing of a rezoning application.

Attachments:

Attachment A: Maps and Photos (PDF)

Attachment B: Applicant's Project Description (PDF)

Attachment C: Zoning Comparison (DOCX)



The City of
Palo Alto



470 Olive Avenue

This map is a product of the
City of Palo Alto GIS



470 Olive Avenue (site) and 2951 El Camino Real



Source: Google Maps

470 Olive Avenue



Source: Google Maps

2951 El Camino Real



Source: Google Maps

June 12, 2017

To: City of Palo Alto Department of Planning and Community Environment
250 Hamilton Ave, Palo Alto CA 94301

Re: 470 Olive Avenue, Palo Alto, CA 94306 (APN# 132-37-029); Zone District R-1

We are requesting a zone change for 470 Olive Avenue to return to its original zoning of CS zone to be consistent with the historical use and to match the CS zone of the adjacent inter-dependent parcel, 2951 El Camino Real, because a single commercial building spans both parcels that was built in 1968. With respect to this request we would like to clarify the following information.

1. 470 Olive Avenue is part of a two-parcel commercial building in Palo Alto with a single building, built and permitted for commercial use in 1968 that spans both parcels:
2951 El Camino Real (APN# 132-37-052) and 470 Olive Ave (APN# 132-37-029) in Palo Alto, CA.
2. 470 Olive Avenue has always been structurally and operationally linked to 2951 El Camino Real, sharing a single building built with a connecting doorway, and a single drive-through parking lot.
3. 470 Olive Avenue has always had two loading docks, one with a commercial metal roll-up door.
4. 470 Olive Avenue was previously (1978) re-zoned to be R-1 as part of the City of Palo Alto Comprehensive Plan, however, it has always been utilized as commercial use, never for residential. The first occupants were Carnes Piano which operated there for years, where customers walked through the entire building to view the pianos.
5. 470 Olive Avenue is located in an area with multiple commercial operating businesses.
6. In 1993 Superfund water quality testing wells were installed in the parking lot of 470 Olive Avenue, these are regularly monitored and, while feasible for commercial use, this reduces feasibility for residential use.
7. We wish to continue the commercial use of the portion of the existing single building at 470 Olive and therefore request the revised zoning to return to the original CS zoning, to match zoning of the interdependent parcel, 2951 El Camino. In 1987, a prior owner applied for and was unanimously approved for an exception from the non-conforming use termination requirement (Attachment 1).

On July 16 1992 a letter (Attachment 2) was sent from City of Palo Alto to the prior owner confirming that this action allowed the existing 'extensive retail' non-conforming use to continue indefinitely, subject to site improvement. The letter suggested an option of applying for, 'a zone change to change the zoning of 470 Olive from R-1, single family residential back to CS, Service Commercial', and this letter provided the prior owners with information regarding this option. Unfortunately, the prior owner did not follow-up (or disclose) and we only recently became aware of this issue. Therefore, we are requesting this zone change. Attached is relevant historical documents.

Thank you,


Jessica Rose Agramonte, Owner

Email: Jessica.rose@stanford.edu; Cell: 650 380-3249

Received

JUN 16 2017

Department of Planning
& Community Environment

City of Palo Alto

P.O. BOX 10250
PALO ALTO, CA 94303

Department of Planning and
Community Environment
(415) 329-2149

250 Hamilton Avenue
Post Office Box 10250
Palo Alto, CA 94303-0862

July 16, 1992

Mr. Daniel Antovich
1078 West Evelyn Avenue
Sunnyvale, CA 94086

Dear Mr. Antovich:

Subject: **470 Olive Avenue - Permitted Uses**

We have been informed by Carlos Lorente, of Reynold and Handley real estate brokers that you are the new owner of property at 470 Olive Avenue, Palo Alto. This letter has been prepared in response to his request for clarification as to the permitted uses of property at 470 Olive Avenue.

Background

The zoning actions, which were taken by the City on July 20, 1978, to assure consistency with the Comprehensive Plan resulted in the rezoning of this property at 470 Olive Avenue to R-1, Single Family Residential. The existing extensive retail use (Piano and Organ sales) was subject to amortization and was required to be removed by September 11, 1998.

On October 5, 1987 the Palo Alto City Council unanimously approved an application for an exception from the non-conforming use termination requirement. This action allowed the existing "extensive retail" non-conforming use to continue indefinitely subject to the site improvement conditions which were required to be accomplished within two months of Council approval. (see attached letter dated October 13, 1987).

On March 28, 1988, the City received a letter from the property owner electing not to pursue the nonconforming use termination exception (see attached letter from Mr. Thomas Rees).

Therefore, the site remains a nonconforming use subject to termination. This means the site may be occupied by another nonconforming use until the September 11, 1998 termination date, provided: 1) it is a use that would be allowed under the previous CS, Service Commercial zoning, 2) it is not a more intensive use, and 3) is in compliance with Section 18.94.030 Nonconforming Use - Change, of the Zoning Ordinance (excerpt copy enclosed).

The parking requirements of various uses will generally determine whether or not the use will be allowed. You will be limited to a use which requires the same or lesser parking per square foot. The previously extensive retail use

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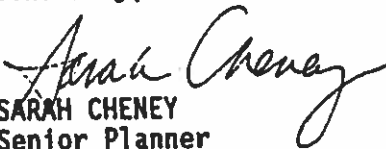
required one parking space for each 350 square feet of building area. Any new use going into the building must apply for a use and occupancy permit at the Planning Department. Several copies of this application are enclosed for your use.

Please also be advised that any exterior site changes, including new signs, will require review and approval by the Architectural Review Board (ARB). An informational booklet about the ARB review process and application form, fee and submittal requirements are enclosed. Please call Lorraine Weiss at (415) 329-2546 for additional information about this process.

Another option you may consider is applying for a zone change to change the zoning of 470 Olive from R-1, single family residential back to CS, Service Commercial. An informational booklet about this process is also enclosed. Please call Nancy Lytle at (415) 329-2321 for additional information about such a zone change.

If you have further questions I can be reached at (415) 329-2149.

Sincerely,


SARAH CHENEY
Senior Planner

Enclosure Letter dated October 13, 1987
Letter from Thomas Rees dated January 25, 1988
Excerpt Section 18.94.030 of Zoning Ordinance
Use and Occupancy permit Applications
Excerpt Section 18.83 of Zoning Ordinance (Parking)
ARB Information booklet, application forms and fees
Zone Change Information Booklet

cc: Carlos Lorente, c/o Reynolds and Handley, 2500 El Camino Real,
Palo Alto CA 94306
Nancy Lytle, Zoning Administrator
Rich Cabrera, Building Inspection Division
Susan Case, Attorney's Office
George Zimmerman, Planning Department

City of Palo Alto

P O BOX 10250
PALO ALTO CALIFORNIA 94303

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TO: PALO ALTO PLANNING COMMISSION
FILE NO.: 87-XTP-1PREPARED BY: Sarah Cheney
DATE: August 21, 1987PROJECT INFORMATION

Location: 470 Olive Avenue
Palo Alto, CA 94306

Applicant: Thomas J. Rees
26740 Robleda Court
Los Altos Hills, CA 94022

Property Owners: Thomas J. Rees and Mary H. Rees

Requested Action: Exception from Nonconforming Use Termination Requirement

PROJECT SUMMARY

Application to allow nonconforming use (extensive retail service) on parcel zoned R-1 to remain beyond scheduled September 11, 1998 termination date.

RECOMMENDED ACTION

Staff recommends approval of the exception to waive the scheduled termination of the nonconforming use, subject to conditions.

SITE INFORMATION

Parcel Size: 5,983 square feet

Assessor's Parcel Number: 132-37-029

Existing Zoning: R-1 (Single-Family Residence District)

Comprehensive Plan Designation: Single-Family Residential

Existing Land Use: Portion of commercial structure, storage area for retail sales use (pianos).

Surrounding Land Use: Single-family residential to north and east, restaurant to southeast, retail use (piano sales) to southwest.

History: September 11, 1968, existing structure completed. Use and Occupancy Permit issued September 13, 1968.

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JUN 16 2017

Department of Planning
& Community Environment

July 20, 1978, existing use determined to be non-conforming. Parcel zoned R-1 (Single-Family Residence).

Mandatory Action Date(s):

January 24, 1988, six months from date application deemed complete.

Environmental Impact Assessment:

Project is categorically exempt under California Environmental Quality Act (CEQA) Guidelines.

ANALYSIS

The property at 470 Olive Drive has been occupied by an extensive retail use (piano and organ sales) since 1968. The site was developed in combination with a parcel fronting on El Camino Real (2951 El Camino Real). Approximately 2,300 square feet of the existing 7,300 square-foot building is on the 470 Olive site. This portion of the building is currently used for piano sales and miscellaneous storage. The two parcels are also inter-dependent due to existing site circulation and parking layout. The piano sales use lease expires in February of 1988, and the two properties are now for sale.

Under the termination schedule for nonconforming uses, the building on 470 Olive is classified as a Type III structure (noncombustible exterior, combustible interior). Type III structures must be removed within 30 years after the date of construction. The commercial use at 470 Olive must be removed by September 11, 1998.

The provisions of section 18.94.070 of the Zoning Ordinance permits an owner of property with a nonconforming use, which was a lawfully existing use prior to July 20, 1978, to apply for an exception from the termination requirements within two years of notification of nonconformity. The use of 470 Olive was not originally identified as a nonconforming use by the City and the property owner was only recently notified of the property status. The owners of the property have applied for an exception to allow the nonconforming use at 470 Olive to continue indefinitely.

The purpose of this review process is to determine if the use of the property is compatible and not detrimental to the land uses designated in the Comprehensive Plan for the surrounding areas. At the time of issuance of the building permit and later rezoning of the 470 Olive parcel, the use of the site was classified as "warehousing", the actual use being the same as that existing today - sales and rental of pianos and organs. As the use involves the display, sales, rental and storage of pianos and organs, it is considered an extensive retail service for the display, sales and retail storage of bulky commodities.

A furniture store is located to the southwest, and a restaurant is located to the southeast. The remainder of the piano sales use is located on a separate parcel to the south. All three parcels are zoned (CS) Service Commercial, and are designated as (CS) Service Commercial on the Comprehensive Plan Land Use Map. Existing single-story, single-family residences are located to the north, northwest and northeast. The zoning and comprehensive plan designations for these parcels are consistent with existing development.

8/21/87

Land Use Compatibility

Attached is a completed "Compatibility Checklist for Nonconforming Uses Subject to Termination." On the basis of staff responses to the questions in this form, the extensive retail use is found to be compatible with the Comprehensive Plan designations for surrounding parcels and adjacent uses, and will not be detrimental to existing uses.

The extensive retail service is not incompatible with surrounding residential uses in that it does not generate substantial noise, glare, traffic, deliveries, or involve chemical storage. The current hours of operation, from 9:00 AM to 9:00 PM, Monday through Thursday, 9:00 AM to 5:30 PM on Fridays and Saturdays, and 1:00 PM to 5:00 PM on Sundays, have not been a source of neighborhood nuisance or disturbance, particularly as evening use is limited.

The project design is plain and utilitarian. The portion of the structure on 470 Olive is approximately 20- to 25-feet high and constructed of concrete block. The structure is located along both the side and rear property lines, providing no setback from the residentially-zoned property to the northeast and northwest, and is somewhat visually imposing to the single-family property to the northeast. The orientation and location of the building does function as an effective buffer against commercial uses and traffic noise generated from El Camino Real and protects the privacy of the residential rear yards. The remainder of the site is paved with asphalt, except for one pine tree. A means of increasing compatibility with the existing residential use would be to require installation of a 20-foot wide landscaped setback along the Olive Avenue frontage, including heavy tree planting as a screen. An additional recommendation would be to provide a shield for the existing wall mounted light, to further reduce any light glare.

The property of 470 Olive is located directly across the street from the rear parking lot of the Nissan Dealership, fronting on El Camino Real, and is bordered by the rear parking lot of a restaurant, as well as the parking area for the piano sales use. If the use were terminated in 1998, and the site redeveloped with a single-family residence, the same issues of compatibility between commercial and residential uses would exist, they would just be moved one lot over. It is expected that if the structure at 470 Olive were removed, the property at 2951 El Camino Real would require redevelopment. The use on 2951 El Camino Real can function without access from Olive but deliveries of large items (i.e., furniture, pianos) would be extremely difficult. Elimination of the 470 Olive through access would require large delivery trucks to back into or out of the site onto El Camino Real, blocking traffic. Loss of through access would be detrimental to an extensive retail use. A new two-story structure on 2951 El Camino Real, complying with the setback requirements, could have a greater impact on privacy of the residential units. Retention of the existing use may be less offensive to the neighboring residential use than a parking lot and/or a two-story commercial use will be, adjacent to a future residence.

The two piano sales parcels contain 18 striped parking spaces for autos and 4 striped parking spaces of sufficient size for delivery vans. The current use requires only two such delivery vans. Four of the auto spaces are located on the 470 Olive site. A site inspection showed no existing parking problems. Sufficient parking seems to be available. Under current parking requirements, the existing 7,300 square-foot building would require provision of 21 parking spaces. Even with provision of a 20-foot wide landscaped setback on 470

8/21/87

Olive, sufficient additional area exists on both parcels to provide additional parking spaces, if restriping of the parking area were to occur.

Conclusion

Retention of the existing extensive retail service use is not incompatible with or detrimental to surrounding development, and will not preclude use and development of those parcels in compliance with the Comprehensive Plan. The design of the existing building and lack of setbacks are not desirable but the impacts are not highly detrimental. Retention of the nonconforming use at 470 Olive does not preclude continued use of adjacent single-family residential uses. Removal of the nonconforming use would have a detrimental impact on the adjacent commercial use located at 2951 El Camino Real, because one use covers both parcels and demolition on one parcel would require demolition or substantial remodeling on the other parcel.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to City Council that the application for exception from nonconforming use termination provisions be granted to allow continued operation of an extensive retail service at 470 Olive, subject to the following findings and conditions:

FINDINGS

The extensive retail service use of 470 Olive Avenue is compatible with and not detrimental to land uses designated in the Comprehensive Plan for surrounding areas or properties in that:

1. The extensive retail service use does not generate substantial noise, deliveries, glare, or involve chemical storage.
2. The use, as conditioned, will have limited nighttime use, and deliveries will be limited to daytime hours.
3. Additional site landscaping and lighting modifications will improve compatibility with adjacent residential use.
4. The extensive retail service use will not impede development of surrounding properties consistent with the comprehensive plan in that existing development on surrounding properties is now consistent with the Comprehensive Plan.

CONDITIONS

1. A landscape plan, parking plan and lighting modification plan shall be submitted for staff approval. The parking plan shall provide for a 20-foot wide landscaped setback from Olive Avenue, and shall include new trees. The parking plan shall provide for 21 parking spaces. The lighting modifications shall include a shield for any exterior wall mounted lights. The parking plan, landscape plan, and lighting modification plan shall be submitted within one month of City Council approval of this application and shall be implemented within one month of staff approval.

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2. The exception from termination shall be indefinite but shall apply only to extensive retail service uses or warehouse uses operated within the existing structure, in conjunction with extensive retail sales use or warehouse use on the contiguous parcel at 2951 El Camino Real. Such uses shall be permitted to remodel or improve site improvements on the same site provided that there are no increases in floor area, height or size of the buildings.
3. The property owner shall record a grant of easement between the parcels at 470 Olive Avenue and 2951 El Camino Real for purposes of vehicular access, circulation, and provision of parking for mutual use by both parcels, should they become separately owned. Such easement shall be recorded within one month of the City Council approval of this application. A copy of the easement shall be submitted to the City Attorney's Office for review prior to recordation.
4. The hours of operation shall not extend beyond 9:00 AM to 9:00 PM, Monday through Friday and 9:00 AM to 6:00 PM on Saturdays and Sundays. All deliveries shall occur between the hours of 8:00 AM and 6:00 PM, Monday through Saturday.

ATTACHMENTS

Applicant's Letter
Compatibility Checklist
Location Map

COPIES SENT TO

Applicant

APPLICATION FOR AN EXCEPTION FROM TERMINATION

470 Olive, Palo Alto

Attachment

Question #10

470 Olive is functionally a part of 2951 El Camino Real. A single tenant concrete building shares the two parcels arranged in an "L" shape with flow through access and parking. The building is so arranged to protect the single family residences along Olive from the noise and lighting of El Camino and Carnes Piano. Removal of this portion of the building would remove the solid concrete wall protecting the residences along Olive from glare, noise and traffic. Additionally, closing the Olive entrance would create a U-turn maneuver from El Camino southbound rather than the orderly traffic flow now established. Parking at Carnes Piano would be very limited - probably spilling onto Olive. In appearance, function and compatibility, 470 Olive should remain in the same use as 2951 El Camino.

470 Olive Street

Attachment

Revised Compatibility Check List for
Nonconforming Uses Subject to Termination

(as recommended by the Planning Commission on 8/15/79)

In Sections I and II, an affirmative response indicates incompatibility.
In Section III, an affirmative response indicates compatibility.

I. Future Development:

- A. Will the existing use impede development of the surrounding area that would otherwise be consistent with the Comprehensive Plan? no
- B. Will the existing use impede implementation of the major proposals specified in the Comprehensive Plan? no

II. Effects of Use on Surrounding Area and Properties:

- A. Air: Does existing use emit commonly recognized offensive matter such as dust, fumes, odors, particulate matter, etc? no
- B. Noise: Does existing use produce noise above commonly accepted tolerable levels? no
- C. Risk of Upset: Does existing use involve risk of explosives or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? no
- D. Transportation/Circulation: Will continuation of existing use result in:
 - 1. Generation of vehicular traffic significantly in excess of that generated by permitted or conditional uses in the area? no
 - 2. Increased demand on existing parking facilities, or demand for new parking facilities? no
 - 3. Increased traffic hazards to motor vehicles, bicyclists, or pedestrians? no
- E. Light and Glare: Will continuation of existing use result in exposure of surrounding use to excessive light and glare? no

F. Design:

1. Will continuation of existing use result in continuance of a site use or a building design conceptually incompatible with surrounding properties on which conforming uses are located? no **
2. Does the scale and form of the structure in which the use is located overwhelm the scale and form of improvements on surrounding properties which house conforming uses? no **

- C. Community Acceptance: Are there community/neighborhood objections to a continuation of the existing use? no

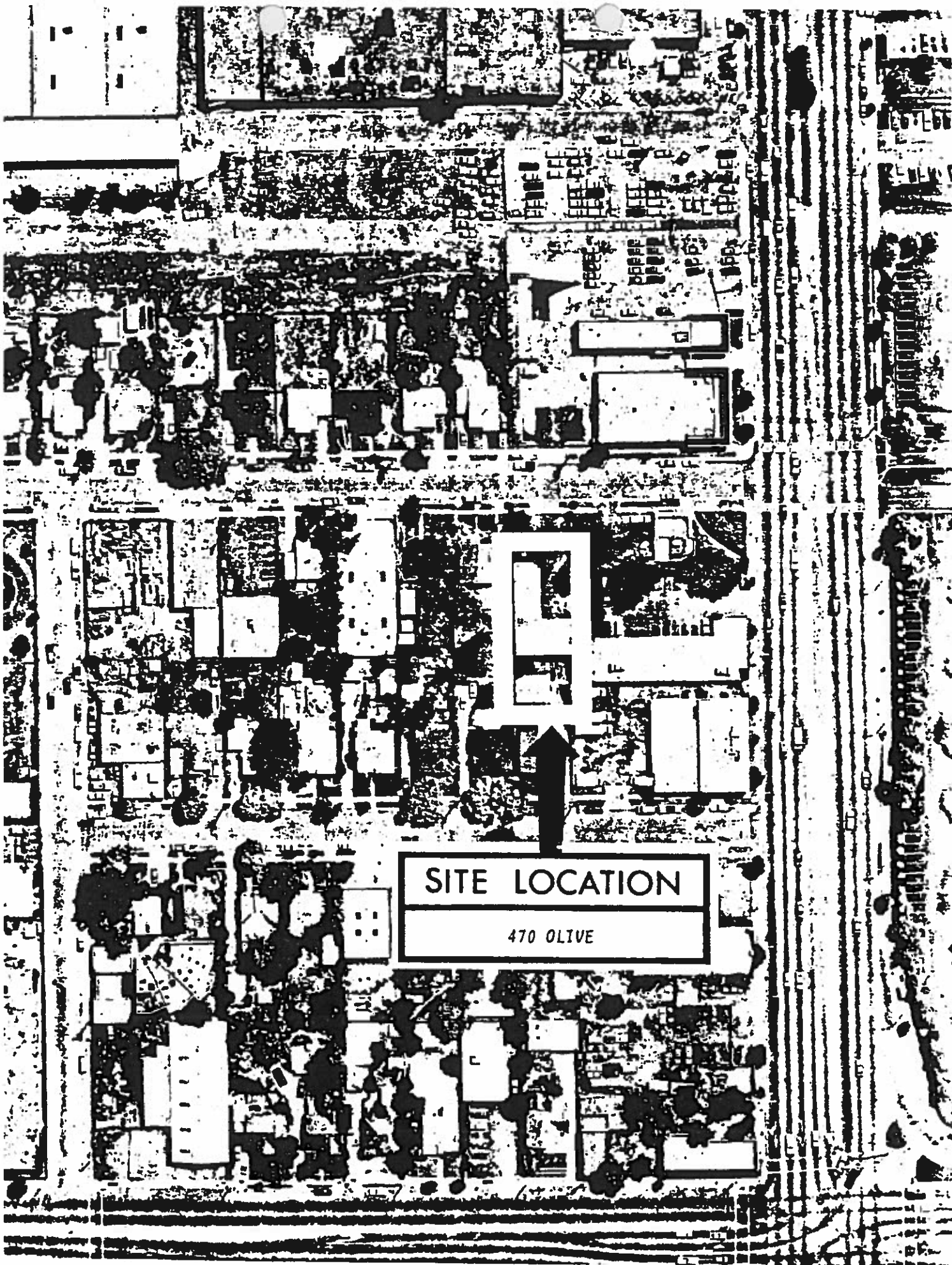
III. Compatibility of Use with Surrounding Area and Properties:

- A. Is existing use similar to permitted or conditional uses in the surrounding area? yes
- B. Does existing use serve other uses in the surrounding area? not known
- C. Will continuation of existing use serve an on-going commercial, social or other neighborhood/community need? yes
- D. Are the operating characteristics of the use compatible with surrounding permitted or conditional uses in terms of hours of operation, number of employees, and types and hours of delivery? yes

* * *

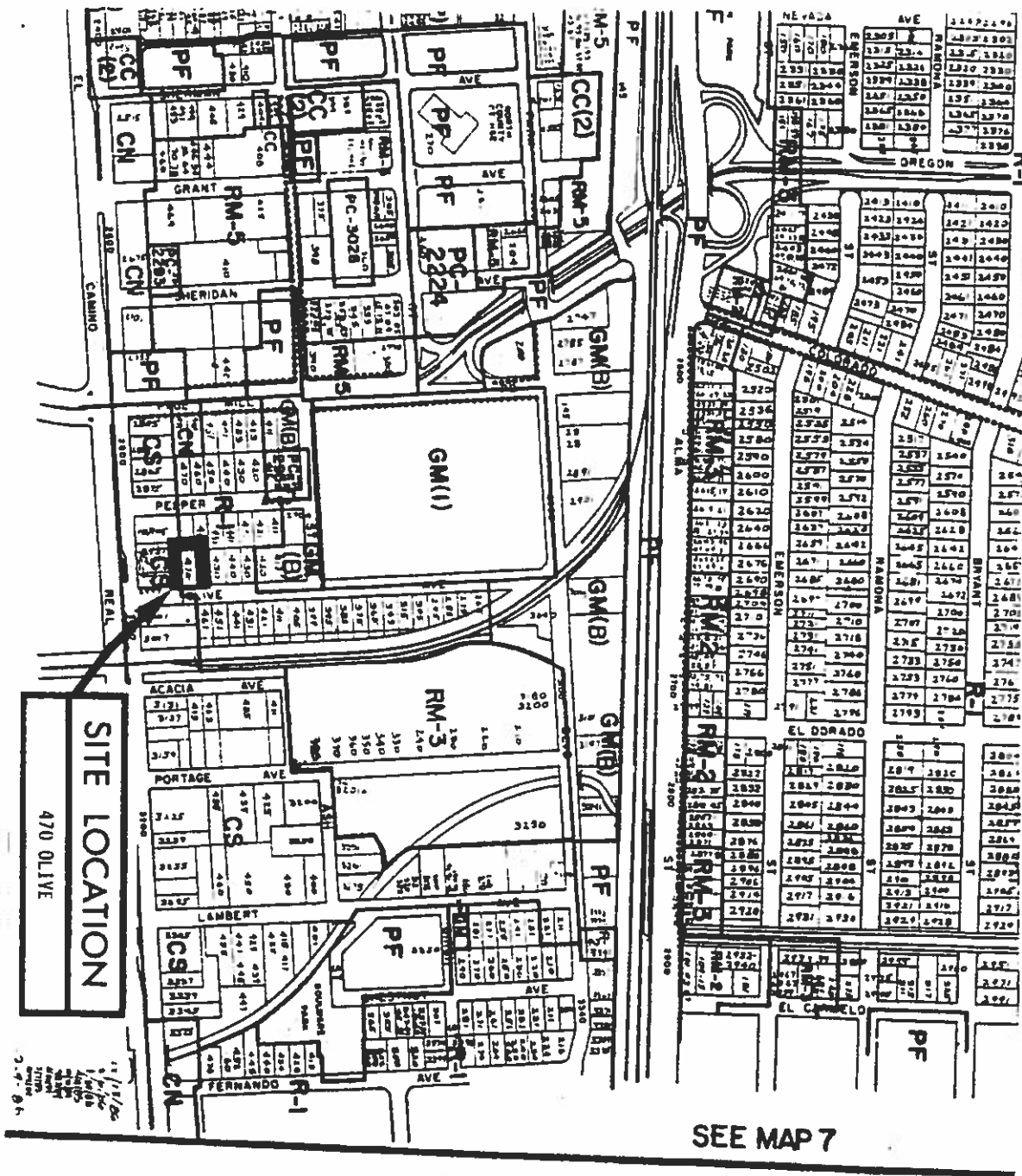
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F. Design. 1, 2, The existing lack of a setback between the commercial structure at 470 Olive and the adjacent single family residence to the northeast is not desirable, and the 20-25 foot high wall located along the property line adjacent to the rear yard of the single family residence is somewhat visually imposing, but this same wall provides a substantial buffer between the residential use and commercial use, and is not considered overly detrimental or incompatible with the existing residential use. Removal of the structure would be detrimental to the existing commercial building as it is a portion of one commercial building which crosses two parcels, one which fronts on El Camino Real.



SITE LOCATION

470 OLIVE



Sarah
M

5. PLANNING COMMISSION RECOMMENDATION RE APPLICATION OF
THOMAS J. REES FOR A NONCONFORMING USE EXCEPTION FOR
PROPERTY LOCATED AT 470 OLIVE AVENUE (Continued from
9/21/87) (300)

MOTION: Council Member Patitucci moved, seconded by Fletcher, to adopt the Planning Commission recommendation that the application for exception from nonconforming use termination provisions be granted to allow continued operation of an extensive retail service at 470 Olive, subject to the following findings and conditions:

Findings:

The extensive retail service use of 470 Olive Avenue is compatible with and not detrimental to land uses designated in the Comprehensive Plan for surrounding areas or properties in that:

1. The extensive retail service use does not generate substantial noise, deliveries, glare, or involve chemical storage.
2. The use, as conditioned, will have limited nighttime use, and deliveries will be limited to daytime hours.
3. Additional site landscaping and lighting modifications will improve compatibility with adjacent residential use.

58-347
10/05/87

CITY COUNCIL MINUTES

October 5, 1987

MOTION CONTINUED

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4. The extensive retail service use will not impede development of surrounding properties consistent with the Comprehensive Plan in that existing development on surrounding properties is now consistent with the Comprehensive Plan.

Conditions:

1. A landscape plan, parking plan, and lighting modification plan shall be submitted for staff approval. The parking plan shall provide for a 20-foot wide landscaped setback from Olive Avenue, and shall include new trees. The parking plan shall provide for 21 parking spaces. The lighting modifications shall include a shield for any exterior wall mounted lights. The parking plan, landscape plan, and lighting modification plan shall be submitted within one month of City Council approval of this application and shall be implemented within one month of staff approval.
2. The exception from termination shall be indefinite but shall apply only to extensive retail service uses or warehouse uses operated within the existing structure, in conjunction with extensive retail sales use or warehouse use on the contiguous parcel at 2951 El Camino Real. Such uses shall be permitted to remodel or improve site improvements on the same site provided that there are no increases in floor area, height, or size of the buildings.
3. The property owner shall record a grant of easement between the parcels at 470 Olive Avenue and 2951 El Camino Real for purposes of vehicular access, circulation, and provision of parking for mutual use by both parcels, should they become separately owned. Such easement shall be recorded within one month of the City Council approval of this application. A copy of the easement shall be submitted to the City Attorney's Office for review prior to recordation.
4. The hours of operation shall not extend beyond 9:00 a.m. to 9:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays. All deliveries shall occur between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.

MOTION PASSED unanimously.

58-348
10/05/87

PLANNING COMMISSION MINUTES

August 26, 1987

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Agenda Item Three Application of Thomas J. Rees for a Nonconforming Use Exception to allow continued commercial use beyond September 11, 1998 for property located at 470 Olive Avenue. Zone District R-1; File No. 87-XTP-1. Public Hearing.

Chairman Christensen: I will call upon the applicant at this time. I have no cards from the public.

Thomas J. Rees, 26740 Robleda Court, Los Altos Hills: For the sake of brevity, there is nothing I would change or modify from staff's recommendations. I have a couple of questions. I am wondering whether or not 20 feet of a landscaping strip is excessive. Maybe that might be modified. There should be some landscaping; I don't know whether that is standard for this type of a property or not. The only other issue is that they want this to be done 30 days after the city council approves it, and I would like to propose that it be done during the month of January, since I will be out of town for several months. Those are my only two comments.

Chairman Christensen: I will now close the public hearing.

Commissioner Cullen: Would staff give us the justification for the 20-foot buffer from Olive Avenue? Right across the street is a Nissan automobile agency, and I am trying to figure out who we are buffering when it is right on Olive, not on the property line adjacent to the R-1.

Ms. Cheney: The 20-foot landscape strip is typical in an R-1 zone. We felt that providing that kind of landscaping on Olive would make this site more compatible with the adjacent residential use.

Commissioner Cullen: Compatibility with the adjacent residential use is very difficult for me to see. I think 20 feet is a lot, since it is not the part that is adjacent. It is, shall I say, perpendicular --

08/26/87

Agenda Item Four

Application of Michael Fleming for a Preliminary Parcel Map to subdivide four parcels into two, with exceptions for access over an easement where frontage on a public street is required and for a 48-foot width where 60 feet is required for property located at 1159 Lincoln Avenue. Zone District R-1; File No. 87-PM-20. Public Hearing.

Chairman Christensen: I will first call upon the applicant.

Michael Fleming, 576 Maybell Avenue, Palo Alto: What I would like to do is to turn the time over to my architect, Larick Hill, who has some alternatives. When we originally made our application, the planning staff came back with some proposals and we have attempted to address those proposals and come up with some alternatives that we think would accomplish the objectives of the planning staff, and at the same time allow some more flexibility in terms of design. Would that be alright?

Chairman Christensen: That would be fine. Commissioner Marsh has a question for you.

Commissioner Marsh: Mr. Fleming, do you have the lot that intersects all of this from Lincoln Avenue?

Mr. Fleming: Yes, I do.

Commissioner Marsh: Thanks.

Commissioner Huber: Is that building being reconstructed at the moment?

Mr. Fleming: Yes, it is.

Commissioner Chandler: I have a question along those lines as well. What is the ultimate size of that building going to be?

Mr. Fleming: Square footage-wise, I believe it is approximately 2,800 square feet.

Commissioner Chandler: Thanks.

Commissioner Marsh: Have you considered accessing this interior parcel via that piece of property?

Mr. Fleming: I considered that, and given the width of that lot, which is 44 feet, and the necessity of having a garage for that house, makes it an impossibility.

Commissioner Marsh: Okay.

08/26/87

Mr. Brown: The attempt is to establish a uniform landscape setback on the street, for the street-scape.

Commissioner Cullen: Because the R-1 theoretically should be set back 20 feet, even though none of it is, of course. I understand the rationale. I am looking at our amortization schedule, and wondering how many more of those businesses on there — there are only two more listed on Olive, I think, yet it looks like there are a lot that are not conforming.

Mr. Brown: Yes, through this application, we may have uncovered one or two more businesses. The original list of nonconforming uses was established in 1978, primarily through windshield surveys. We have discovered three additional, I believe, since that time. I don't doubt that there may be others that will be brought to our attention over time. We may have discovered one or two additional in all of this.

Commissioner Cullen: Have they, too, not been notified?

Mr. Brown: Correct. There are two others on Olive which have been notified and have not applied for an exception. They were notified in 1978, so those will not be coming before you. We may have one or two other uses which we will have to notify.

Chairman Christensen: I would like to ask for an explanation of what is involved as far as uses and the extensive retail definition.

Ms. Cheney: Extensive retail use requires that 75 percent of the floor area be used for display area for large, bulky commodities such as appliances, furniture, those kinds of uses. Lumber yards would also be included as an extensive retail use.

Chairman Christensen: Would automobiles? (No) I just wanted to feel comfortable that something very similar to what is there would continue to be there. I don't think that what is there is objectionable to the people who live along Olive, but if something unusually loud or unusually obnoxious went in, they might not want to have this nonconforming use extend forever.

MOTION: Commissioner Marsh: I move approval of the staff recommendation.

SECOND: By Commissioner Huber.

Chairman Christensen: Is there any other discussion on this motion? All those in favor say aye. Opposed? (None)

MOTION CARRIED: That passes unanimously.

Mr. Brown: This will go to the city council on September 21.

P.O. BOX 10250
PALO ALTO, CA 94303

Department of Planning and
Community Environment
(415) 329-2149

250 Hamilton Avenue
Post Office Box 10250
Palo Alto CA 94303

October 13, 1987

Mr. Thomas J. Rees
26740 Robleda Court
Los Altos Hills, CA 94022

Dear Mr. Rees:

Subject: 470 Olive Avenue - Exception from Nonconforming Use Termination


At the Council meeting of October 5, 1987, the City Council unanimously approved your application for an exception from the requirement to terminate the existing nonconforming use at 470 Olive Avenue, by September 11, 1998. The existing nonconforming use may continue operation indefinitely, subject to the following conditions:

1. A landscape plan, parking plan and lighting modification plan shall be submitted for staff approval. The parking plan shall provide for a 20-foot wide landscaped setback from Olive Avenue, and shall include new trees. The parking plan shall provide for 21 parking spaces. The lighting modifications shall include a shield for any exterior wall mounted lights. The parking plan, landscape plan, and lighting modification plan shall be submitted within one month of City Council approval of this application and shall be implemented within one month of staff approval.
2. The exception from termination shall be indefinite but shall apply only to extensive retail service uses or warehouse uses operated within the existing structure, in conjunction with extensive retail sales use or warehouse use on the contiguous parcel at 2951 El Camino Real. Such uses shall be permitted to remodel or improve site improvements on the same site provided that there are no increases in floor area, height or size of the buildings.
3. The property owner shall record a grant of easement between the parcels at 470 Olive Avenue and 2951 El Camino Real for purposes of vehicular access, circulation, and provision of parking for mutual use by both parcels, should they become separately owned. Such easement shall be recorded within one month of the City Council approval of this application. A copy of the easement shall be submitted to the City Attorney's Office for review prior to recordation.
4. The hours of operation shall not extend beyond 9:00 AM to 9:00 PM, Monday through Friday and 9:00 AM to 6:00 PM on Saturdays and Sundays. All

Deliveries shall occur between the hours of 8:00 AM and 6:00 PM, Monday through Saturday.

Satisfaction of the conditions of approval require immediate action on your part. If you have any questions, I can be reached at (415) 329-2149. Thank you for your cooperation in this matter.

Sincerely,


SARAH CHENEY
Planner

cc: Applicant c/o 4117 North 27th Street, Arlington, Virginia 22207
Building Inspection Division
City Attorney

TLTR

City of Palo Alto

P.O. BOX 10250
PALO ALTO, CA 94303

Department of Planning and
Community Environment
(415) 329-2149

250 Hamilton Avenue
Post Office Box 10250
Palo Alto CA 94303

November 18, 1987

Mr. Thomas J. Rees
26740 Robleda Court
Los Altos Hills CA 94022

Dear Mr. Rees:

Subject: 470 Olive Avenue - Conditions of Non-Conforming Use
Termination Exception

The purpose of this letter is to further clarify what actions must be taken in order to comply with the conditions of approval for the Non-conforming Use Termination Exception granted for the property at 470 Olive Avenue. Conditions of approval No. 1 and 3 required the submittal of a landscape plan, parking plan and lighting modification plan for the properties at 470 Olive Avenue and 2951 El Camino Real, and a grant of easement between the parcels at 470 Olive and 2951 El Camino Real, for review and approval. The approved landscape and parking plan is to be implemented within one month of staff approval and the grant of easement is to be recorded by the Santa Clara County Recorder's Office.

A plan was submitted on November 4, 1987, which showed the proposed landscape plan, parking plan and identified an easement area between the two parcels. The submitted plan is inadequate and lacks sufficient detail to clearly identify the size and number of parking spaces and the type and size of new landscaping proposed, and does not properly identify the necessary easement area. The following paragraphs identify changes necessary to the plans and elements to be incorporated into the easement, which are necessary before staff can take further action.

Parking Plan

It will be necessary to submit a more detailed, properly dimensioned plan which provides for the restripping of the existing parking area, to clearly identify the required 21 parking spaces. The parking plan should include property dimensions, dimensions of standard parking spaces shown, and dimension of existing aisle widths.

Landscape Plan

The landscape plan must be increased in size in order to clearly identify the type of landscaping proposed. The landscape plan must include a variety of plant materials including ground covers, shrubs and new trees, and must indicate the specific location, type, size and common name of the proposed species. The provision of mechanical irrigation will also be required for the

Mr. Thomas J. Rees
November 18, 1987
Page 2

new landscaped area. Upgrading of the existing planting areas should be incorporated into the plan where necessary. As with the parking plan, the landscape plan must be properly dimensioned. The parking plan and landscape plan may be combined into a single plan.

Lighting Plan

Any proposed changes to existing exterior lighting must be indicated, including a new shield for or elimination of the existing wall mounted light on the portion of the building on the 470 Olive parcel.

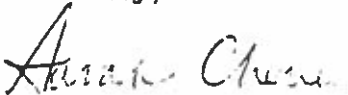
Access and Parking Easement

A grant of easement between the parcel at 470 Olive Avenue and 2951 El Camino Real has been required to allow for the sharing of the existing access driveways and parking area, should the 470 Olive parcel ever come under separate ownership. Therefore, the grant of easement must include all of the parking area and access area now existing on the two parcels (all area now paved with asphalt). The easement would only be necessary in a case where the extensive retail services uses continue to operate on the site within the existing building, and the 470 Olive site is sold to a separate owner. Should the use of 470 Olive site or the 2951 El Camino site change from "extensive retail" uses, or should the existing building be demolished or enlarged, the exception from termination for 470 Olive becomes void and the property must revert to a use permitted within the Single Family Residence (R-1) District. The grant of easement between 470 Olive and 2951 El Camino Real for purposes of access and parking must also become void at the time that the 470 Olive site must revert to the R-1 uses. Therefore the grant of easement for purposes of shared access and parking should be drafted to include the following:

- A grant of a reciprocal non-exclusive easement for purposes of ingress and egress and parking;
- A legal (engineering) description of the specific area affected;
- An Exhibit showing graphically the location of the easement in relation to the boundaries of the properties affected;
- A clause stating the circumstances under which the easement becomes effective and under which the easement becomes void.

If you have further questions, I can be reached at 329-2149. It is important that you proceed with accomplishing the above conditions as soon as possible. Thank you for your cooperation in this matter.

Sincerely,


SARAH CHENEY
Planner

cc: City Attorneys
Building Inspection Division

C

November 5, 1987

City of Palo Alto
Department of Planning & Community
Environment
250 Hamilton Ave.
P.O. Box 10250
Palo Alto, CA 94303
ATTN: Sarah Cheney

RE: 470 Olive and 2951 El Camino Real

Dear Sarah,

Pursuant to our recent conversation and due to my being in Washington D.C., I respectfully request additional time in order to fulfil the conditions the City imposed when it granted the Exception from Non-Conforming Use Termination.

I have preliminarily explored the drafting of a cross-easement with Santa Clara County Title Company. They are prepared to draft it as soon as we advise them what the City would like. But, as we discussed it might be appropriate for me to explore making an application for a zoning change. Please let me know what the City's perspective is on this issue.

Regarding the landscaping/parking plan, Mike Milisac is helping me on this. I understand he has already been in contact with you. Please feel free to cooperate with him fully.

I will be back in California around November 16-18. We should plan on meeting then. Meanwhile if you have any questions please feel free to call (800)336-5400. I will look forward to receiving some information regarding the cross-easement/rezoning issue.

Sincerely,

Tom

Thomas Rees

cc: Mike Milisac
Dan Antovich

Daniel Antovich
3001 S. Winchester Blvd. #14
Campbell, California 95008
408 - 866-0465

C

November 4, 1987

City of Palo Alto
Dept. of Planning & Community Dev.
250 Hamilton Avenue
P.O. Box 10250
Palo Alto, CA 94303

Attn: Ms. Sarah Cheney, Planner

Subject: 470 Olive Avenue - Exception from Nonconforming Use Termination

Dear Ms. Cheney:

I have enclosed two (2) copies of our proposed landscape, parking, and lighting plan.

1. The proposed 20' landscape set back from Olive Avenue has a large (16' diameter trunk) pine tree which takes up most of the area.
2. We have 28 parking spaces between parcel #29 and parcel #52.
3. Upon your approval we will record the 12' easement as shown.
4. No light will be placed in the Northeast side of the building as there is ample light from the existing street light.

Should you have any questions in the above matter, please contact the undersigned at the address as shown above.

Very truly yours,

Thomas J. Rees


Daniel Antovich

DA/dmh

RECEIVED
NOV 11 1987
DEPARTMENT OF PLANNING
CITY OF PALO ALTO

City of Palo Alto

P.O. BOX 10250
PALO ALTO, CA 94303

Department of Planning and
Community Environment
(415) 329-2149

250 Hamilton Avenue
Post Office Box 10250
Palo Alto CA 94303

October 13, 1987

Mr. Thomas J. Rees
26740 Robleda Court
Los Altos Hills, CA 94022

Dear Mr. Rees:

Subject: 470 Olive Avenue - Exception from Nonconforming Use Termination

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Satisfaction of the conditions of approval require immediate action on your part. If you have any questions, I can be reached at (415) 329-2149. Thank you for your cooperation in this matter.

Sincerely,


SARAH CHENEY
Planner

cc: Applicant c/o 4117 North 27th Street, Arlington, Virginia 22207
Building Inspection Division
City Attorney

TLTR

cc
file

RECEIVED
MAR 29 1988
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
CITY OF PALO ALTO

RECEIVED
MAR 28 1988

January 25, 1988

City of Palo Alto
Dept. of Planning & Community Development
ATTN: Ms. Sarah Cheney
250 Hamilton Avenue
P.O. Box 10250
Palo Alto, CA 94303

C

Dear Sarah:

As you undoubtedly suspect, the purpose of this letter is to officially inform you and the City of Palo Alto that I have elected not to pursue the Non-Conforming Use Termination Exception which the City granted me for 2951 El Camino Real and 470 Olive. This election is based upon our previous discussions which indicate that in so doing, my zoning will remain as it presently is. That is, CS zoning for 2951 El Camino Real and R-1, with a non-conforming use exception through 1998, for 470 Olive. Accordingly, as I understand it, the front parcel may be used for any use that meets CS zoning regulations. The rear parcel may be used for ancillary retail uses through 1998. At that time, the use must conform with R-1 zoning regulations unless I have previously obtained modification from the City.

Thank you for your patience and guidance. If the foregoing is in error or if you have any questions, feel free to call.

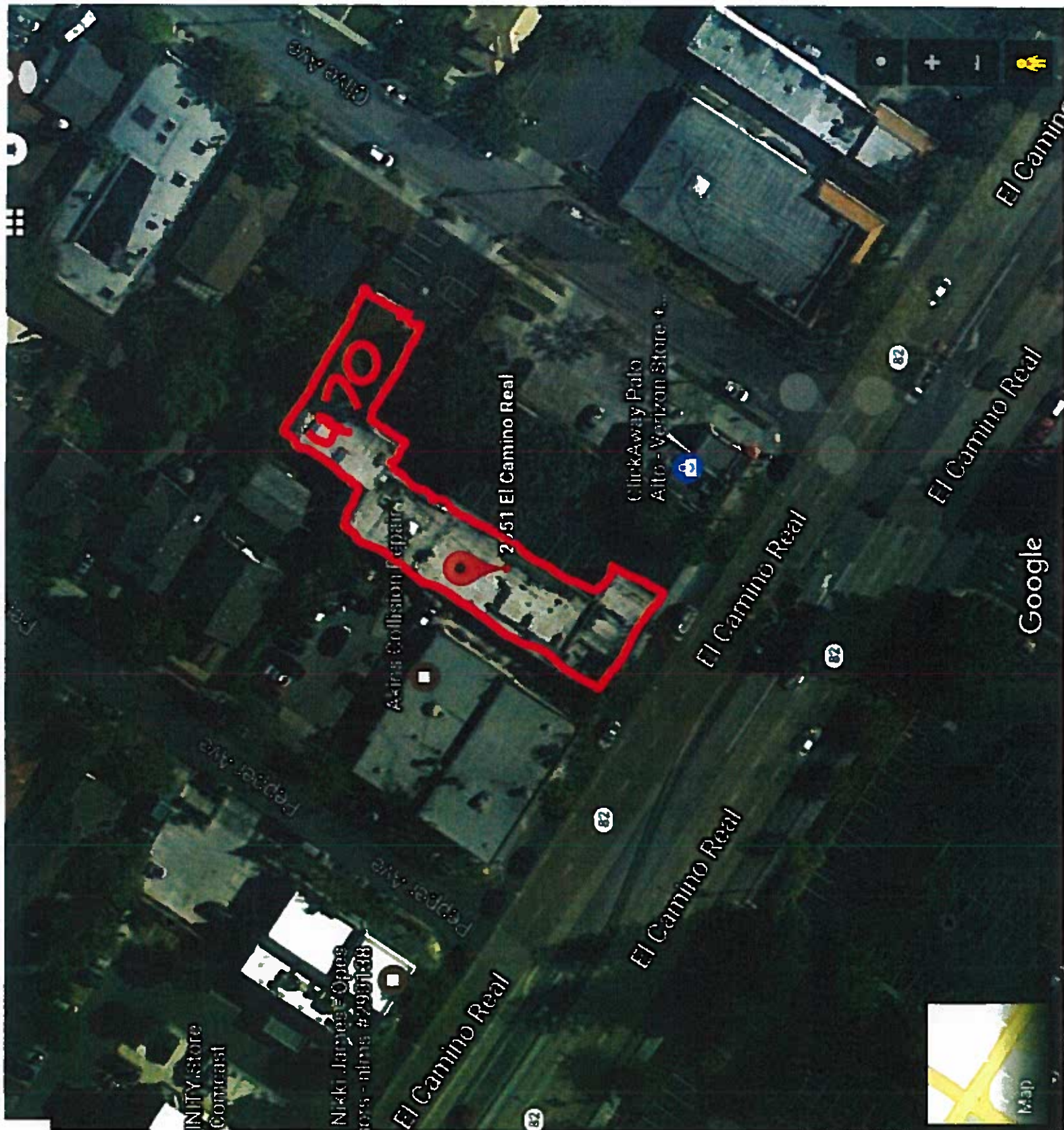
Sincerely,

Thomas J. Rees
Thomas J. Rees

TJR/prb

800-336-5400

Attachment 3, Aerial View of 2951 and 470 Olive, 4 maps



JUN 16 2017

Department of Planning
& Community Environment

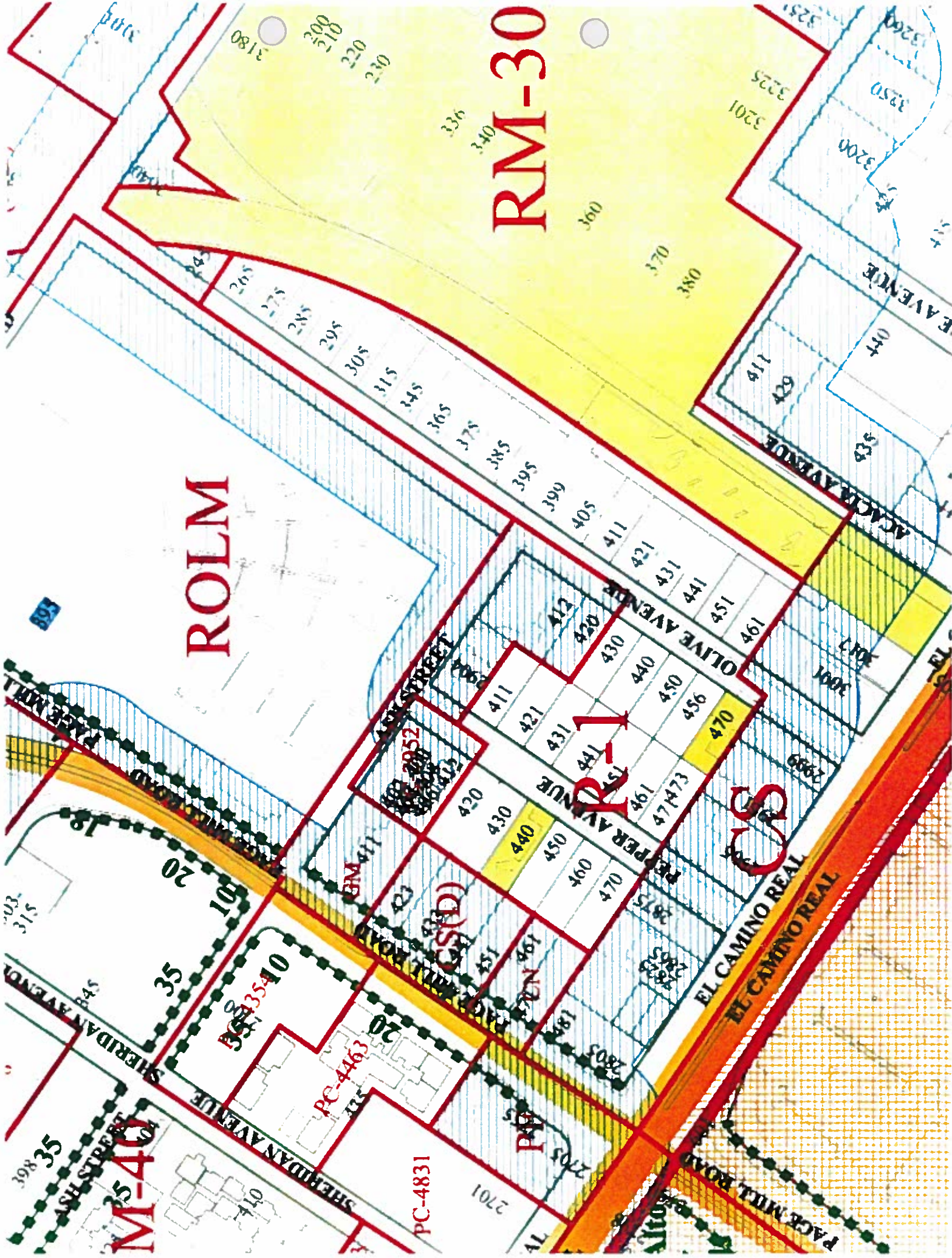
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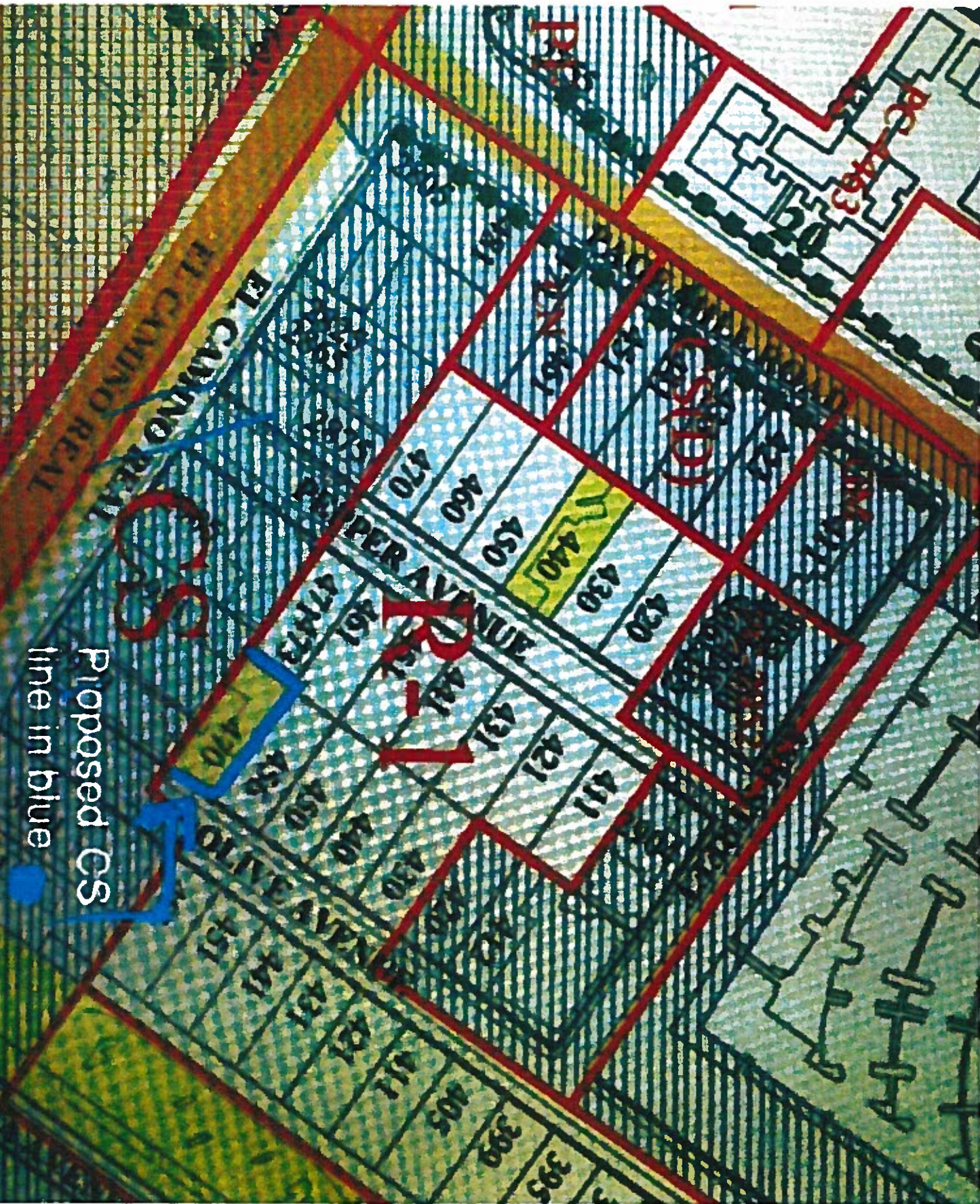
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RM-30

R-1

CS

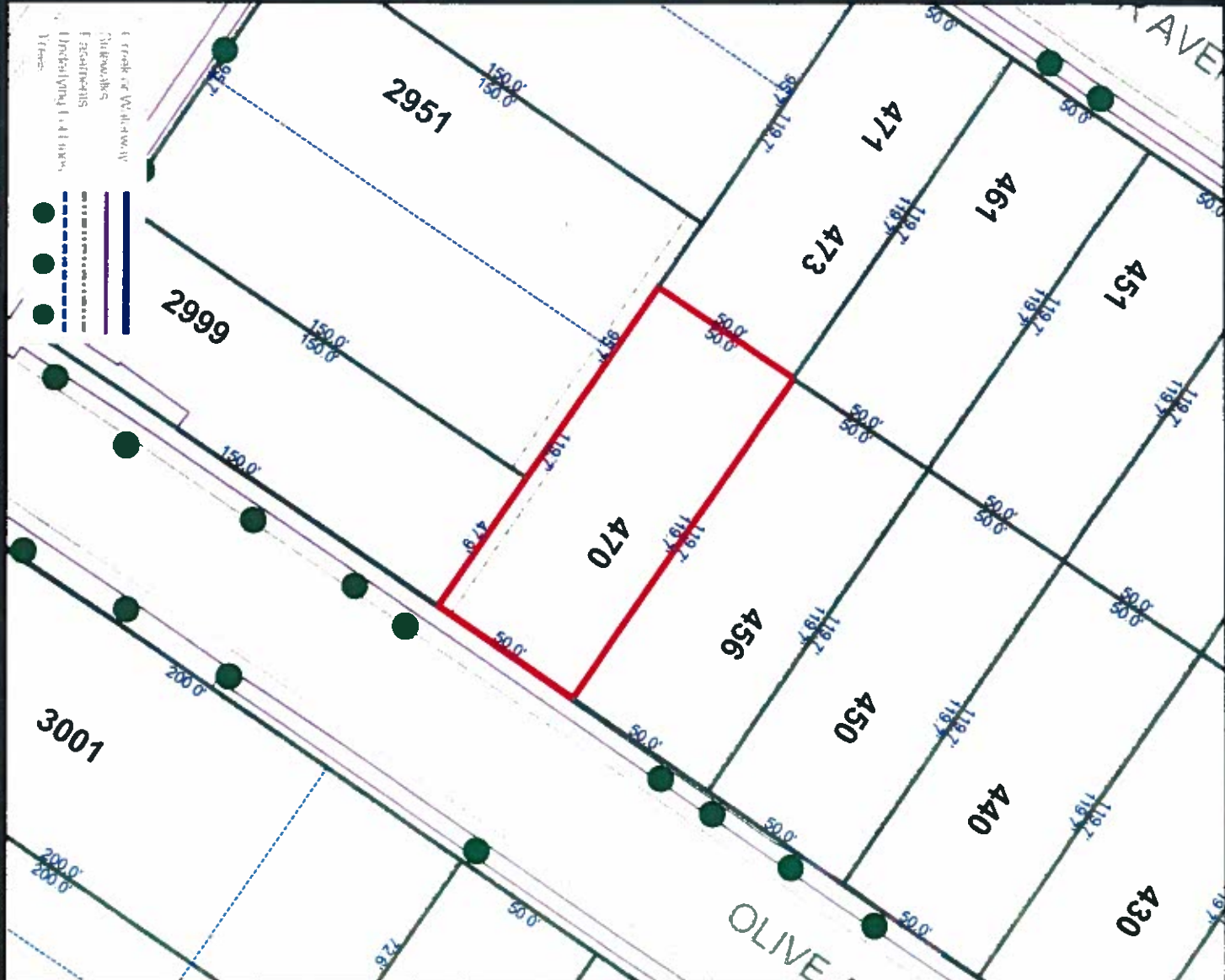




Proposed CS
line in blue

Parcel Area	5,983 sf
Zone	R-1
Comp Main Desc	SF
Parcel Zone	X
ICMA no	
ICMA Map Parcel	0017H
ICMA Request	no
Parking District	none
Se (A) YR Build	1968
Se (A) Fill YR Build	1968
Historic Status	none
Traffic Imp Dist	none
Assessments	Yes, see PW: PUE
Map Check	no
Substandard	no
Leq Lot	no
ANU/ADU	See Ord # 5412
Main Floor Area	2,545 sf
Max Lot Coverage	If single story, 2,545 sf If two story, 2,094 sf
Max Height to Ridge	If roof slope < 12:12, 30' If roof slope >= 12:12, 33'
Special Setbacks	none
Minimum Setbacks	
Front	If no special setback, 20', or, if avg. contextual setback > 30', the avg. contextual setback.
Side	20'
Interior Sides	6'
Street Side	If no special setback, 16'
Comments	Special Areas: COE Plume Area

* Source of year built data is the Santa Clara County Assessor
Click here for data details or navigation to
<http://www.sccassessor.org/arcgis/parcelviewer/parcelviewerReportDetails>



470 Olive Ave

This map is a product
of the
City of Palo Alto GIS



Flatiron 14,358 sq

CS 7.442 (1951)

CS

[illegible]

File Name	IMF Request	no
11-MA-111111	0017H	

non **passiva**

1982

More

Leafhopper Dist. mona

Yes, see PW: PUE

Mean 1 Peak no

Subsidiary **Cannot assess for this zone.**

no $n = 1, 2, \dots, N$

Cannot assess for this zone.

Max-Flux Area Cannot assess for this zone.

Maximal Coverage: Cannot assess for this zone

Cannot assess for this zone

note *שם הערך, תיבת מידע*

Maximum Self-worth

Cannot assess for this zone.

Cannot assess for this zone.

INTERIM SUPP(S) **Cannot assess for this zone**

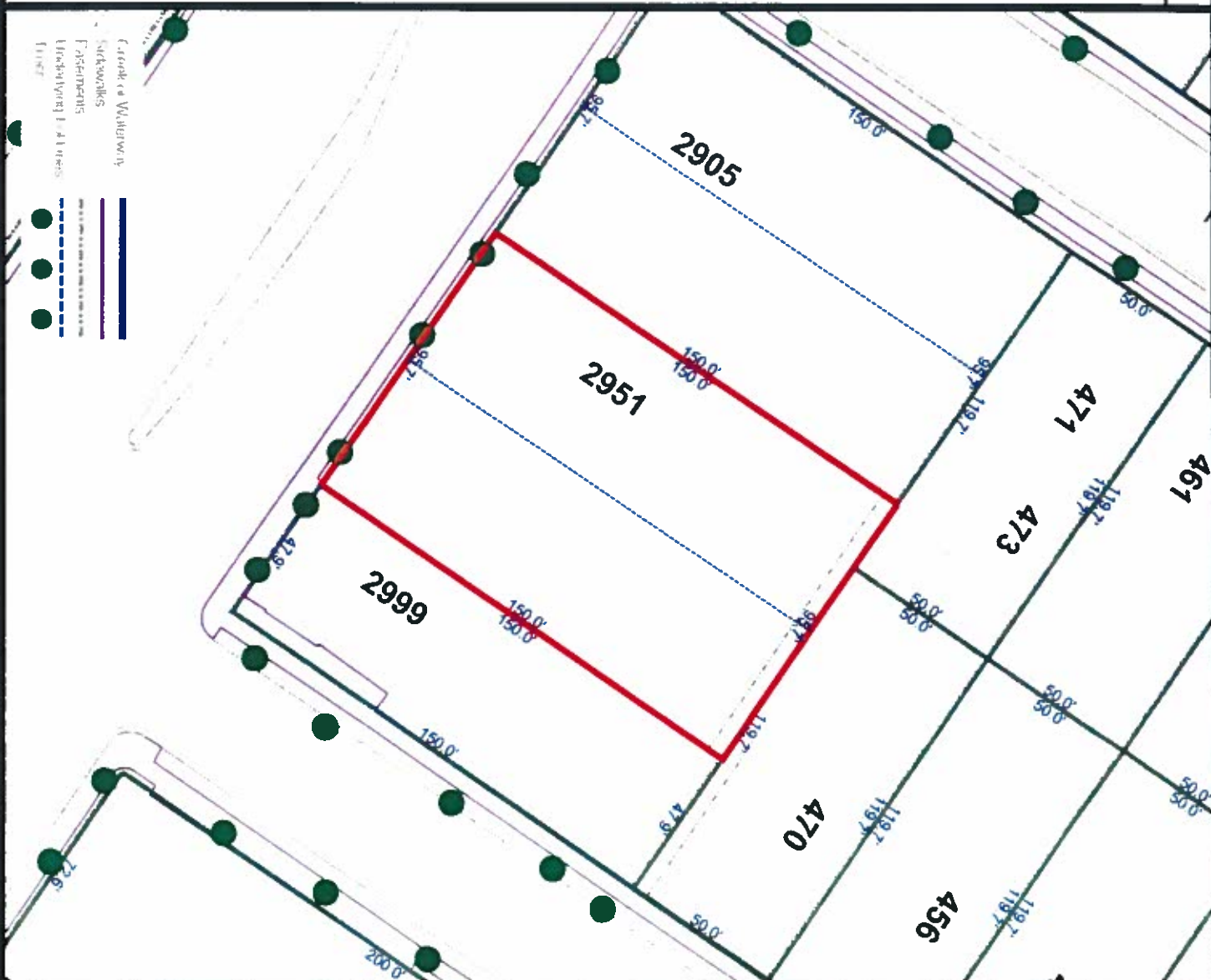
1994年 12月 11日

HIS: 7

Special Areas:

**ECR DG
Special Areas**

* Source of year built data is the Santa Clara County Assessor. Click here for data details or navigate to <http://www.cafypubdata.org/gov/assessor/div/parcels.aspx?parcel=ReportDetails>



2951 El Camino Real

The End of Palo Alto



This map is a product
of the
City of Palo Alto GIS



30

Attachment C: Comparison of R-1 and CS Zoning District Standards

	R-1	CS
Minimum Lot Size	6,000 sf (existing lot is 5,983 sf)	None required
Lot/Site Coverage	2,393 sf (35% plus an additional 5% for eaves, covered patios, etc.)	None required
Floor Area Ratio (FAR)	2,545 sf (.45 FAR first 5,000 sf + .30 FAR of remaining sf)	2,393 sf (0.4:1)
Front Yard Setback	20 feet	0'-10' to create an 8'-12' sidewalk
Side Yard Setbacks	6 feet	None required
Rear Yard Setbacks	20 feet	None required
Height	30 feet	35 feet within 150 feet of a residential district
Side Yard Daylight Plane	10 feet (initial height); 45 degree angle over	Identical to abutting R-1 zone standard
Rear Yard Daylight Plane	16 feet (initial height); 60 degree angle over	Identical to abutting R-1 zone standard